

### REMARKS

The abstract has been revised to conform to the rules.

The previous claims have been canceled and replaced by claims 6-8.

The present invention is directed to a discharge system for a compressor operable to provide a serial discharge system when the pressure of the gases emitted from the compression chamber are below a predetermined value and to open another, a parallel, system when the pressure of the gases emitted from the compression chamber are above a predetermined value.

None of the references relied upon by the Examiner show such a system. Serial discharge systems are old in the art. Parallel discharge systems are old in the art. Applicant has indicated as much by including Fig. 1 and Fig. 2 in the application.

There is, however, no showing in the prior art of a discharge system which converts a serial system to a parallel system when the pressure of the discharge gases reaches a predetermined value.

The Examiner relies principally on the patents to Riffe and Fogotti to reject Applicant's previous claims. Riffe shows a parallel discharge system with no showing of the necessary valve which opens and closes to change the system from a parallel to a serial discharge system. The "hole" is not a valve. Saying it is doesn't make it so. A valve is defined by Merriam-Webster as "any of numerous mechanical devices by which the flow of liquid, gas, or loose material in bulk may be started, stopped, or regulated by a movable part that opens, shuts, or partially obstructs one or more ports or passageways; *also*: the movable part of such a device."

The "hole" of the Riffe device is the port or passageway in the definition of a valve and there is no "movable part that opens, shuts, or partially obstructs one or more" holes in the Riffe device. There is no "valve" in the hole of the Riffe device and there is no teaching whatsoever in

the Riffe patent which would suggest that putting a valve in the “hole” of the Riffe device would produce a discharge system which would convert from the parallel system shown to a serial system when the valve is closed. This is a clear example of the Examiner using hindsight to reconstruct Applicant’s invention.

The Fogotti device shows a serial discharge system in which there is an open path between the compression chamber and the outlet. There is a valve but it is not capable of closing communication between the chambers because a “hole” is also provided between these chambers. As indicated by Applicant serial discharge systems are a part of the prior art. There is a valve shown in the Fogotti reference but it only regulates flow and doesn’t close it. Opening the valve doesn’t convert the discharge system from a serial system to a parallel system.

The Examiner agrees that Fogotti does not teach a system in which the valve converts his system from a parallel discharge system to a serial discharge system and excuses this failure to teach Applicant’s system by asserting “that this is not what Fogotti is supposed to teach.” The Examiner contends that the Fogotti reference is to teach that it would be obvious to valve the muffler arrangement of Riffe between the first and third chambers with a check valve.

Who would that be obvious to? Not to one with only ordinary skill in the art. How could taking a valve from a system which shows serial discharge but does not show parallel discharge and placing the valve in the hole provided in a system with only parallel discharge and no serial discharge provide a system capable of automatically converting from a serial discharge system to a parallel discharge system when the need arises be obvious to anyone without the Examiner’s benefit of hindsight?

The Supervisory Examiner is clearly wrong in his statement that Fogotti teaches either a serial or parallel arrangement of fluid communication between his discharge depending on

determined gas mass flow value. Whether valve 30 is opened or closed, there is only serial discharge from compression chamber 7 to chamber 12 through the opening to the chamber 16 to outlet 9. If the valve is open the flow is a serial flow through the valve and the hole. If the valve is closed the flow is through the hole only but it is a serial flow between the chambers to the discharge pipe 9.

If Fogotti teaches anything that could be transferred to Riffe it teaches the placement of a valve alongside the hole already provided in Riffe. Fogotti has a hole and a valve between the first discharge chamber and the third discharge chamber. If this valve was inserted in the Riffe construction as taught by Fogotti, then Riffe would have a valve and a hole between the first discharge chamber and the third discharge chamber and whether or not the valve was open or closed the Riffe construction would only provide a parallel discharge path. There would be no serial discharge path.

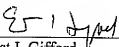
Neither Riffe nor Fogotti, taken individually or in combination, teach the provision of a discharge system capable of converting from a serial discharge system to a parallel discharge system upon pressure increasing to a predetermined value behind the valve. To take a valve from one reference and positioning it as taught in another reference at a location only taught by the present application to produce results not achieved by nor taught by either reference would not be obvious to one having ordinary skill in the art. It is only possible after Applicant has taught where the valve should be placed in a particular construction to achieve important and unobvious results.

The claims are allowable over the references of record and such action is respectfully requested.

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 07-1180.

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Respectfully submitted,

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